

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JACK ROGERS, *et al.*,

Plaintiff,

v.

COMCAST CORPORATION, *et al.*,

Defendants.

MARTHA KRISTIAN, *et al.*,

Plaintiff,

v.

COMCAST CORPORATION, *et al.*,

Defendants.

Civil Action No. 07-00218

The Honorable John R. Padova

Civil Action No. 07-00219

The Honorable John R. Padova

[PROPOSED] AMENDED SCHEDULING ORDER

1. Motion to Amend. Plaintiffs may file a Motion to Amend the Consolidated Amended Complaint within 7 [14] days of the later of (a) an order deciding Plaintiffs' Motion to Transfer or (b) the expiration of the statutorily required 30-day period for Comcast to respond to Plaintiffs' MGLC 93A demand letter. Defendants may file a Brief in Opposition within 14 days of Plaintiffs' Motion. Plaintiffs may file a Reply Brief within 7 [10] days of Defendants' Brief in Opposition.
2. Response to Amended Complaint. If Plaintiffs' Motion to Amend the Consolidated Amended Complaint is granted, Defendants may file a Motion to Dismiss or Answer within 20 days of any such order. If Defendants file a Motion to Dismiss, Plaintiffs may file a Brief in Opposition within 14 [20] days of Defendants' Motion. Defendants may file a Reply Brief within 7 days of Plaintiffs' Brief in Opposition.
3. Class Certification. If Defendants answer the Amended Complaint or if Defendants' Motion to Dismiss is denied, Plaintiffs may file a Motion for Class Certification within 30 [45] days of Defendants' Answer or of an order denying Defendants' Motion to Dismiss.¹ Defendants may file a Brief in Opposition within 45 days of Plaintiffs'

¹ Under Plaintiffs' proposal, Plaintiffs' time to file a Motion for Class Certification would run from the filing of Defendants' Answer regardless of whether the Court enters an order denying Defendants' Motion to Dismiss.

Motion. Plaintiffs may file a Reply Brief within 21 days of Defendants' Brief in Opposition.

4. Class Certification Expert Depositions. All depositions of experts submitting reports with respect to class certification must be conducted within 14 days after the filing of Plaintiffs' Reply Brief in Support of their Motion for Class Certification. Notwithstanding the preceding sentence, Defendants shall have the right to depose Plaintiffs' class certification experts prior to filing their Opposition to Plaintiffs' Motion for Class Certification, and Plaintiffs shall have the right to depose Defendants' class certification experts prior to filing their Reply Brief.
5. Fact Discovery Cut-Off. Once Plaintiffs' Motion for Class Certification is decided, any remaining fact discovery must be completed within 45 days of any such order, unless either side takes an interlocutory appeal.
6. Trial Expert Designations and Depositions. Once Plaintiffs' Motion for Class Certification is decided, Plaintiffs and Defendants shall designate their trial experts pursuant to Fed. R. Civ. P. 26(a)(2) within 45 days of any such order, unless either side takes an interlocutory appeal. Unless otherwise stipulated, disclosure of experts will include a report fully in compliance with Rule 26(a)(2)(B). All depositions of trial experts must be conducted within 20 days of service of expert reports.
7. Summary Judgment. Any party may file a Motion for Summary Judgment within 30 days of the completion of fact and expert discovery. Any party may file a Brief in Opposition to the Motion for Summary Judgment within 30 days of a Motion for Summary Judgment. Any party may file a Reply Brief within 14 days of any Brief in Opposition.
8. Pretrial Motions and Jury Instructions. The parties shall serve Motions in Limine, Daubert motions, Proposed Jury Instructions, and other pre-trial motions (a) within 30 days of a decision on any Summary Judgment Motions insofar as any such decision(s) does not resolve the case; or (b) within 45 days of the completion of fact and expert discovery if no Summary Judgment Motions are filed.
9. Trial. The case shall be ready for trial 21 days after the filing of Pretrial Motions and Jury Instructions.
10. This Scheduling Order supersedes all prior scheduling orders.

BY THE COURT:

John R. Padova, J.